

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DENNIS THOMAS,

Petitioner,

v.

Case No. 06-CV-15465-DT  
Honorable John Corbett O'Meara

HUGH WOLFENBARGER,

Respondent.

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**ORDER DENYING PETITIONER'S MOTION**  
**FOR DISCOVERY PURSUANT TO RULE 6**

This is a habeas case brought pursuant to 28 U.S.C. § 2254. Before the Court is Petitioner Dennis Thomas' Motion for Rule 6 Discovery (dkt # 6). Petitioner seeks various reports that were not part of his state-trial proceedings.

Habeas petitioners do not have a right to automatic discovery. *Bracy v. Gramley*, 520 U.S. 899, 904 (1997); *Stanford v. Parker*, 266 F.3d 442, 460 (6th Cir. 2001). A district court has the discretion, under Rule 6 of the Rules Governing § 2254 Cases, 28 U.S.C. foll. § 2254, to grant discovery to a habeas petitioner upon a fact-specific showing of good cause. *Id.* If a petitioner can point to specific evidence that might be discovered that would support his constitutional claims, he is able to establish good cause to obtain discovery. *Marshall v. Hendricks*, 103 F.Supp.2d 749, 760 (D.N.J. 2000); *rev'd in part on other grds.*, 307 F.3d 36 (3d Cir. 2002). However, without a showing of good cause and without a habeas petitioner citing to specific information of what he hopes to learn from the additional discovery, a federal court will not order discovery. *Id.* at 763-764. A habeas petitioner's vague and conclusory allegations are insufficient to obtain additional

discovery. *Payne v. Bell*, 89 F.Supp.2d 967, 970 (W.D. Tenn. 2000).

At this time, Petitioner has not made the requisite showing of “good cause” that his possession of the requested items are necessary to the disposition of his case. *Bracy v. Gramley*, 520 U.S. at 908; 28 U.S.C. foll. § 2254, Rule 6(a). Petitioner has already filed a habeas petition and supporting materials. This Court has ordered Respondent to submit the relevant state court materials pursuant to Rule 5 of the Rules Governing Section 2254 Cases by June 10, 2007.

Accordingly, the Court **DENIES WITHOUT PREJUDICE** Petitioner’s discovery motion. Should the Court determine that such materials are necessary for the resolution of Petitioner’s case after reviewing Respondent’s answer and the state court record, it will reconsider Petitioner’s request and issue an appropriate order. Petitioner need not file an additional motion regarding this issue.

**IT IS SO ORDERED.**

s/John Corbett O’Meara  
United States District Judge

Dated: April 20, 2007

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, April 20, 2007, by electronic and/or ordinary mail.

s/William Barkholz  
Case Manager